

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE LICENSE OF : STATE BOARD OF EXAMINERS
CHARLES H. FLATT : ORDER OF REVOCATION

DOCKET NO. 412-11/96-86

At its meeting of November 7, 1996, the State Board of Examiners reviewed the information provided it from the Pennsylvania Department of Education indicating that Charles H. Flatt's certificates in Pennsylvania were revoked on September 25, 1995 for moral turpitude. Said revocations followed Mr. Flatt's plea of *nolo contendere* on December 8, 1986 to charges of possession of cocaine, possession with intent to deliver cocaine, and delivery of cocaine for which he was sentenced to not less than six (6) months nor more than three (3) years in prison.

At its November 7, 1996 meeting, the State Board of Examiner voted that said conviction constituted sufficient grounds for issuing an Order to Show Cause. The Order to Show Cause was mailed to Charles H. Flatt by regular and certified mail on or about December 3, 1996. Both copies, however, were returned indicating that Mr. Flatt's forwarding address had expired. The Bureau of Driver Licensing in Pennsylvania was also unable to provide a current address for Mr. Flatt.

Thereafter, at its meeting of May 15, 1997, the New Jersey State Board of Examiners voted unanimously to publish notification of the Order to Show Cause in a newspaper. Said notice was published in the Home News and Tribune on May 25, 1997 and June 1, 1997.. Said Order provided that if Charles Flatt desired to file an Answer to said Order such answer must be filed within twenty (20) days. Twenty (20) days elapsed without an answer having been filed by or on behalf of Charles Flatt.

It is therefore ORDERED that said charges are deemed admitted for the purpose of this proceeding. School law cases have traditionally recognized the right of the State Board of Examiners to revoke certificates where the teacher was involved in criminal activities, even if said activities were not

related to the classroom, see Cox v. State Board of Examiners (App. Div. Docket No. A-3527-81T3) (November 18, 1983); State Board of Examiners v. Krupp, 3 N.J.A.R. 285 (1981). The use of drugs and the possession of drugs are inconsistent with the State's policy to eliminate drug abuse in the schools, In the Matter of the Tenure Hearing of David Earl Humphreys, 1978 S.L.D. 689. Misuse of dangerous drugs by students themselves, or by the role models to whom students look for guidance, will not be tolerated under any circumstances. In the Matter of the Certificate of Barbara Corwick, OAL Docket No. EDE 3562-87, State Board of Examiners decision (March 24, 1988).

Accordingly, in light of this State's strong policy opposing the use of illegal drugs, the State Board of Examiners finds respondent's conviction conduct unbecoming a certificate holder. The appropriate penalty for his unbecoming conduct is the revocation of respondent's licensure.

It is, therefore, ORDERED that, the State Board of Examiners having reviewed the charges and having found that said charges warrant revocation of Charles H. Flatt's licensure, his Teacher of English license is hereby revoked on this 25th day of September, 1997.

It is further ORDERED that Charles H. Flatt return his license to the Secretary of the State Board of Examiners, Office of Licensing, P.O. Box 500, Trenton, NJ 08625-0500 within fourteen (14) days of receipt of this letter.

Secretary
State Board of Examiners

Date of Mailing: October 8, 1997

Appeals may be made to the State Board of Education pursuant to the provisions of N.J.S.A. 18A:6-28.

IBG:KHK:br:Flatrv